

NOTICE AND AGENDA

**SUNNYVALE CITY COUNCIL
TUESDAY, APRIL 7, 2009
COUNCIL CHAMBERS, 456 W. OLIVE AVENUE
SUNNYVALE, CALIFORNIA**

7 P.M. COUNCIL MEETING

Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

SPECIAL ORDER OF THE DAY – Recognition of National Library Week

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

CONSENT CALENDAR

- | | | |
|------|--------|--|
| 1.A. | MOTION | Approval of Council Meeting Minutes of January 27, 2009 |
| 1.B. | MOTION | Approval of Council Meeting Minutes of February 3, 2009 |
| 1.C. | MOTION | Approval of Council Meeting Minutes of February 10, 2009 |
| 1.D. | MOTION | Approval of Information/Action Items – Council Directions to Staff |

Fiscal Items

- | | | |
|------|------------|---|
| 1.E. | MOTION | List of Claims and Bills Approved for Payment by the City Manager - List |
| | RTC 09-087 | Nos. 446 and 447 |
| | | <u>Staff Recommendation:</u> Council reviews the attached lists of bills. |
| | | <u>Staff Contact:</u> Peter Gonda, (408) 730-7385 |

Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chambers on the evening of the Council Meeting, pursuant to Government Code §54957.5.

- 1.F. MOTION Payment for Santa Clara County Crime Lab Services
RTC 09-083

Staff Recommendation: Alternative No.1 – Council approves payment of \$133,132 to the Santa Clara County Office of the District Attorney for Crime Lab Services.

Staff Contact: Jeff Hunter, (408) 730-7157

- 1.G. RESOLUTION Resolution Amending the Fee Schedule for Public Safety Parking
MOTION Penalties
RTC 09-084

Staff Recommendation: Alternative No.1 – Council adopts the Resolution amending the Fee Schedule for Public Safety parking penalties.

Staff Contact: Jeff Hunter, (408) 730-7157

- 1.H. MOTION Amendment of Outside Counsel Agreement for Fair Oaks Affordable
RTC 09-091 Senior Housing Matters

Staff Recommendation: Council approves a second amendment to increase the contract with the law firm of Stein & Lubin LLP in an amount not to exceed \$140,000.

Staff Contact: David Kahn, (408) 730-7464

Contracts

- 1.I. MOTION Authorization to Modify an Existing Contract for Miscellaneous Piping
RTC 09-088 Supplies (F0803-59)

Staff Recommendation: Council authorizes modification of an existing contract with Roberts & Brune Co., in substantially the same form as the attached draft change order, by shortening the contract end date to June 30, 2009 and increasing the not-to-exceed amount by \$124,000, from \$376,000 to \$500,000 for the purchase of miscellaneous piping supplies.

Staff Contact: Peter Gonda, (408) 730-7418

Other

- 1.J. RESOLUTION Adoption of Amended Resolution to Authorize the City of Sunnyvale to
MOTION Receive Federal and State Criminal History Information for Specific
RTC 09-070 People who are Licensed or Permitted through the Department of Public
Safety to Work in the City

Staff Recommendation: Alternative No. 1: Adopt the amended Resolution authorizing the City of Sunnyvale to access Federal and State summary criminal history information for all people requesting a license or permit from the Department of Public Safety to operate specific businesses within the City of Sunnyvale.

Staff Contact: Jeff Hunter, (408) 730-7157

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments.

PUBLIC COMMENTS

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

PUBLIC HEARINGS/GENERAL BUSINESS

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION 2008-0117: Appeal by the applicant of a decision by the Planning
RTC 09-092 Commission denying an application for a site located at 520 Carroll
Street (at Bishop Ave.) in an R-0 (Low Density Residential) Zoning
District. Variance from Sunnyvale Municipal Code section 19.46.140 to
allow a parked recreational vehicle in the corner vision triangle

Staff Recommendation: Alternative No. 1 – Council upholds the decision of the planning
Commission and denies the Variance due to inability to make required findings.

Staff Contact: Gerri Caruso, (408) 730-7591

3. MOTION 008-0482 Determine the Enforceability of CC&Rs for Violations to City
RTC 09-090 Code and Project Approvals (Study Issue)

Staff Recommendation: Options 1A and 1B – Council includes specific conditions of
approval for new common interest developments to address common issues residents face,
and directs staff to develop tools for homeowners' association education and assistance.

Staff Contact: Rosemarie Zulueta, (408) 730-7437

4. ORDINANCE Adoption of Ordinance 2894-09 Adopting Green Building Standards by
2894-09 Adding Definitions to Chapter 19.12 (Definitions); by Amending Certain
MOTION Sections of Chapters 19.22 (Industrial Zoning Districts), 19.29 (Moffett
Park Specific Plan District), 19.32 (Building Heights, Lot Coverages and
Floor Areas) and 19.82 (Miscellaneous Plan Permit); and by Adding
Chapter 19.39 (Green Building Regulations) to Title 19 (Zoning) of the
Sunnyvale Municipal Code

Staff Recommendation: Council approves the second reading of Ordinance No. 2894-09.

Staff Contact: David Kahn, (408) 730-7464

5. PRESENTATION City Manager – Review of the City's Current Fiscal Status and the
Budget Implications and Impact on the 20-Year Financial Plan

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Moffett Field Restoration Advisory Board Meeting Summary of March 12, 2009
- Draft Minutes of Arts Commission Meeting of March 18, 2009
- Draft Minutes of Bicycle and Pedestrian Advisory Commission Meeting of March 19, 2009
- Study Session Summary of March 24, 2009 - California High Speed Rail Project San Francisco-San Jose Segment
- Draft Minutes of Housing and Human Services Commission Meeting of March 25, 2009

ADJOURNMENT

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis. (only announce one time).

Public Hearing – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the city clerk. Individuals are limited to one appearance during this section.

Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chambers, the publication "*How to Make Your Council Chambers Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chambers prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME	PLACE
April 07, 2009	Council Meeting	7 p.m.	Council Chambers
April 14, 2009	NO COUNCIL MEETING SCHEDULED		
April 21, 2009	Council Meeting	7 p.m.	Council Chambers
April 28, 2009	Council Meeting	7 p.m.	Council Chambers
May 05, 2009	Council Meeting	7 p.m.	Council Chambers
May 12, 2009	Council Meeting	7 p.m.	Council Chambers
May 19, 2009	NO COUNCIL MEETING SCHEDULED		

OTHER SCHEDULED MEETINGS

April 06, 2009	Board of Library Trustees	7 p.m.	Council Chambers
April 08, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
April 13, 2009	Planning Commission Study Session	7 p.m.	West Conf. Room
April 13, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
April 15, 2009	Arts Commission	7 p.m.	Council Chambers
April 15, 2009	Administrative Hearing	2 p.m.	West Conf. Room
April 16, 2009	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conf. Room
April 20, 2009	Personnel Board	5 p.m.	Council Chambers
April 22, 2009	Housing and Human Services Commission	7 p.m.	West Conf. Room
April 27, 2009	Planning Commission Study Session	7 p.m.	West Conf. Room
April 27, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
April 29, 2009	Administrative Hearing	2 p.m.	West Conf. Room
May 04, 2009	Board of Library Trustees	7 p.m.	Council Chambers
May 06, 2009	Heritage Preservation Commission	7 p.m.	West Conf. Room
May 11, 2009	Planning Commission Study Session	7 p.m.	West Conf. Room
May 11, 2009	Planning Commission Public Hearing	8 p.m.	Council Chambers
May 13, 2009	Administrative Hearing	2 p.m.	West Conf. Room
May 20, 2009	Joint Parks and Recreation Commission and Arts Commission Study Session	6 p.m.	West Conf. Room
May 20, 2009	Joint Parks and Recreation Commission and Arts Commission	7 p.m.	Council Chambers
June 10, 2009	Parks and Recreation Commission	7 p.m.	Council Chambers
June 17, 2009	Arts Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

April 07, 2009	City Council Meeting - Live	7 p.m.
April 08, 2009	City Council Meeting - Replay of April 7, 2009	7 p.m.
April 12, 2009	City Council Meeting - Replay of April 7, 2009	4 p.m.
April 21, 2009	City Council Meeting - Live	7 p.m.
April 22, 2009	City Council Meeting - Replay of April 21, 2009	7 p.m.
April 26, 2009	City Council Meeting - Replay of April 21, 2009	4 p.m.
April 28, 2009	City Council Meeting - Live	7 p.m.
April 29, 2009	City Council Meeting - Replay of April 28, 2009	7 p.m.
May 03, 2009	City Council Meeting - Replay of April 28, 2009	4 p.m.
May 05, 2009	City Council Meeting - Live	7 p.m.
May 06, 2009	City Council Meeting - Replay of May 5, 2009	7 p.m.
May 10, 2009	City Council Meeting - Replay of May 5, 2009	4 p.m.
May 12, 2009	City Council Meeting - Live	7 p.m.
May 13, 2009	City Council Meeting - Replay of May 12, 2009	7 p.m.
May 17, 2009	City Council Meeting - Replay of May 12, 2009	4 p.m.